IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 25633 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VINUBHAI MANIBHAI PATEL & 1 - Petitioners
Versus
THE DISTRICT COLLECTOR & 3 - Respondents

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Appearance :
MR TR MISHRA for Petitioners : 1 - 2.
NOTICE SERVED for Respondent : 1 - 4.
MR HK MAKWANA AGP for Respondent : 2,
MR MUKESH H RATHOD for Respondent: 3,

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 18/07/2007

ORAL JUDGMENT

1. Rule. Mr. Makwana, learned AGP waives service of Rule on behalf of respondent No. 2 and Mr. Mukesh Rathod, learned advocate waives service

of Rule on behalf of respondent No. 3. By consent, Rule is fixed forthwith.

2. Shri Mishra, learned counsel appearing for the petitioner has submitted that his principal grievance in this matter is in respect of nonpayment of retiral dues to the petitioners only. The petitioner No. 2 Union has agitated the grievance that large number of its members who have superannuated and retired from the service of Karamsad Municipal Borough have till date not been paid their dues and therefore, he was constrained to indicate the mode of incurring expenses by Municipal Borough and denying the retiral dues to the petitioners. Shri Mishra submits that this petition be confined therefore to prayers so far as seeking direction to the Municipal Borough to pay retiral dues to petitioners and its members and other prayers at Prayer Clause B to D are not pressed at this stage. Therefore, this petition is now confine to prayer No. A i.e seeking direction to the Municipal Borough to release the retiral dues like gratuity, pension, leave encashment etc. to the retired employees who are members of petitioner No. 2 Association.

3. Shri Rathod, learned counsel appearing for the respondent No. 3 Municipal Borough - the real contesting respondent herein submits that their shall be no objection in paying the dues to the

employees, who have retired from services of Municipal Borough. However, due to financial crises, the payment have not been made. He ensure this Court that respondent No. 3 and municipal borough shall endeavor and make the payment to retired employees of the retiral dues within a period of three months.

4. In view of this statement made by Shri Rathod, learned counsel for respondent No. 3, this petition deserves to be disposed of by issuing direction that the respondent No. 3 Municipal Borough is hereby directed to make payment of retiral dues to its retired employees within a period of three months from the date of receipt of the order. The petition stands disposed of in terms of aforesaid direction. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

(S.R.BRAHMBHATT, J.)

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